

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought, on the invention entitled TRANSGENIC PLANTS, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

No claim for foreign priority benefits under Title 35, United States Code, § 119 is made and no corresponding foreign applications for patent or inventor's certificate having a filing date before that of the present application have been filed.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & KURZ, p.c., Suite 701-E, 555 13th Street, N.W., Washington, D.C 20004

G. Franklin Rothwell, Reg. No. 18,125
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 Minaksi Bhatt, Reg. No. 35,447
 Stephen A. Saxe, Reg. No. 38,609

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1. **Inventor's Signature** Herbert Martin Wilson **Date** 8/20/98
 Inventor's Name Herbert Martin Wilson **Citizenship** United States
 Residence (City) Ames, Story County, Iowa
 Mailing Address 1915 Stevenson Drive, Ames, IA 50010

2. **Inventor's Signature** Bruce Marvin Held **Date** 8-20-98
 Inventor's Name Bruce Marvin Held **Citizenship** United States
 Residence (City) Ames, Story County, Iowa
 Mailing Address 5449 Frost Drive, Ames, IA 50010

3. **Inventor's Signature** Harry Henry Stine **Date** 19 Aug 1998
 Inventor's Name Harry Henry Stine **Citizenship** United States
 Residence (City) Adel, Dallas County, Iowa
 Mailing Address 2225 Laredo Trail, Adel, IA 50003

Applicant or Patentee: HERBERT MARTIN WILSON, et al.
Serial or Patent No.: 09/
Filed or Issued:
For: "TRANSGENIC PLANTS"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(C)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☒ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Stine Biotechnology
ADDRESS OF CONCERN: 2501 N. Loop Drive, Suite 611, Ames, Iowa 50010

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "TRANSGENIC PLANTS" by inventors Herbert Martin Wilson, Bruce Marvin Held and Harry Stine, described in

- ☒ the specification filed herewith
☐ application serial no. 09/_____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).
*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____ ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any application issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: HARRY STINE
TITLE OF PERSON OTHER THAN OWNER: President
ADDRESS OF PERSON SIGNING: 2501 N. Loop Drive, Ames, Iowa 5000

SIGNATURE: 

Date 19 Feb 1998